



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2697/1 ✓

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NOW

2009 BILL

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AN ACT <sup>(generate catalog)</sup> *to amend* 16.27 (5) (b), 16.957 (1) (m), 49.265 (1) (b), 79.05 (2) (c), 118.125  
(2) (g) 2., 149.10 (2t) (e) and 632.746 (3) (b); **to repeal and recreate** 49.265 (1)  
(b); and **to create** 20.505 (6) (n) of the statutes; **relating to:** eligibility for  
unemployment insurance benefits and payment of extended benefits; excluding  
recovery and reinvestment act moneys from the calculation of expenditure  
restraint payments; eligibility for participation in the programs of a community  
action agency; financial assistance under the Clean Water Fund Program and  
the Safe Drinking Water Loan Program; the confidentiality of pupil records  
provided to the Department of Public Instruction; financial assistance for  
criminal justice programs; definition of low-income household under energy  
and weatherization assistance programs; eligibility and notice changes for  
state continuation of coverage for health insurance; providing an exemption

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- 1 from emergency rule procedures; granting rule-making authority; and making  
2 an appropriation.
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***Analysis by the Legislative Reference Bureau*****CRIME**

This bill creates an appropriation of federal revenues that allows moneys received under the federal American Recovery and Reinvestment Act (ARRA) for criminal justice programs to be used for that purpose.

**EDUCATION**

With certain exceptions, current law requires that all pupil records maintained by a public school be kept confidential. One exception requires a school board, upon request by the Department of Public Instruction (DPI), to provide DPI with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with state laws governing public schools. Current law directs DPI to keep confidential all pupil records provided to DPI by a school board.

This bill eliminates the requirement that DPI keep confidential pupil records received from a school board. Under current federal regulations, however, DPI may make further disclosures of personally identifiable information from a pupil's records only on behalf of the educational agency or institution that disclosed the information to DPI, and only if the disclosure falls into one or more of the existing exceptions to the confidentiality requirement.

**ENVIRONMENT**

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Clean Water Fund Program. This bill authorizes those funds to be expended under the Clean Water Fund Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants, without regard to the financial hardship criteria. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

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Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems, using state and federal funds. The loans are provided at subsidized interest rates. The law specifies the interest rates at which loans are provided. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for safe drinking water projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Safe Drinking Water Loan Program. This bill authorizes those funds to be expended under the Safe Drinking Water Loan Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

**HEALTH AND HUMAN SERVICES**

Under current law, a community action agency approved by the secretary of children and families and by the legislative body of the local governmental unit serviced by the community action agency is required to develop and implement programs designed to serve persons whose income is at or below 125 percent of the poverty line. Those programs may include provisions that will help those persons secure and retain employment, improve their education, make better use of available income, obtain adequate housing and a suitable living environment, secure needed transportation, obtain emergency assistance, participate in community affairs, and use more effectively other available programs. This bill increases the eligibility threshold for participation in a program of a community action agency to 200 percent of the poverty line for fiscal years 2008-09 and 2009-10.

**INSURANCE**

Under current law, an employee who is covered by a group health insurance policy through his or her employer and who is involuntarily terminated from his or her job may elect to continue coverage after termination. Wisconsin law provides for continuation coverage for those not covered under a similar federal law. Current law requires employers to send a notice within five days of the termination describing the terminated employee's right to continue coverage. Within 30 days of receiving the notice, the terminated employee may elect continuation coverage for himself or herself or for his or her spouse and dependents if they had also been covered through the employer's group health insurance.

The ARRA provides specific benefits for certain people who are eligible for continuation coverage under federal law or under state law. Under this bill, for those terminated employees who became eligible for state continuation coverage on or after September 1, 2008, but before the effective date of this bill, the employer has ten days after the effective date of the bill to send an additional notice that contains the information required under the ARRA, and the terminated employee has 60 days to elect continuation coverage instead of 30 days. For those terminated employees

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who become eligible for state continuation coverage on or after the effective date of this bill but before January 1, 2010, the employer must send the notice as required under current law, but the notice must contain the information as required under the ARRA.

**SHARED REVENUE**

Under current law, for purposes of determining a municipality's eligibility to receive expenditure restraint payments, a comparison of a municipality's current budget with its previous budget excludes principal and interest on long-term debt, certain revenue sharing payments, and recycling fee payments. Under this bill, expenditures from moneys received under the ARRA are also excluded from municipal budget comparisons for purposes of determining a municipality's eligibility to receive expenditure restraint payments.

**STATE GOVERNMENT**

Under current law, DOA administers programs for providing energy and weatherization assistance to low-income households. Under the programs, "low-income household" is defined, in part, as a household with income that is not more than 150 percent of income poverty guidelines or a poverty line determined under federal law. This bill defines "low-income household" for the programs as, in part, not more than 60 percent of the statewide median household income.

**UNEMPLOYMENT INSURANCE** ← heading

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment.*** Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place

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to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

**Approved training in high-demand occupations.** Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in ~~and making~~ <sup>provides additional benefits</sup> ~~satisfactory progress in~~ an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

**PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

if not in a current benefit year has a benefit year that ended no earlier than 52 weeks prior to the week in which the claimant first claims additional benefits

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 16.27 (5) (b) of the statutes is amended to read:

2           16.27 (5) (b) A household with income which is not more than 150% of the  
3 ~~income poverty guidelines for the nonfarm population of the United States as~~  
4 ~~prescribed by the federal office of management and budget under 42 USC 9902 (2)~~  
5 60 percent of the statewide median household income.

6           **SECTION 2.** 16.957 (1) (m) of the statutes is amended to read:

7           16.957 (1) (m) "Low-income household" means any individual or group of  
8 individuals in this state who are living together as one economic unit and for whom  
9 residential electricity is customarily purchased in common or who make  
10 undesignated payments for electricity in the form of rent, and whose household  
11 income is not more than 150% of the poverty line as determined under 42 USC 9902  
12 ~~(2)~~ 60 percent of the statewide median household income.

13           **SECTION 3.** 20.505 (6) (n) of the statutes is created to read:

14           20.505 (6) (n) *Federal aid; criminal justice.* All moneys received from the  
15 federal government pursuant to P.L. 111-5 for criminal justice programs to carry out  
16 the purpose for which received.

17           **SECTION 4.** 49.265 (1) (b) of the statutes is amended to read:

18           49.265 (1) (b) "Poor person" means a resident of a community served by a  
19 community action agency, whose income is at or below 125% 200 percent of the  
20 poverty line.

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1           **SECTION 5.** 49.265 (1) (b) of the statutes, as affected by 2009 Wisconsin Act ....  
2       (this act), is repealed and recreated to read:

3           49.265 (1) (b) "Poor person" means a resident of a community served by a  
4       community action agency whose income is at or below 125 percent of the poverty line.

5           **SECTION 6.** 79.05 (2) (c) of the statutes is amended to read:

6           79.05 (2) (c) Its municipal budget; exclusive of principal and interest on  
7       long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and,~~  
8       recycling fee payments under s. 289.645, and expenditures from moneys received  
9       pursuant to P.L. 111-5; for the year of the statement under s. 79.015 increased over  
10      its municipal budget as adjusted under sub. (6); exclusive of principal and interest  
11      on long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and,~~  
12      recycling fee payments under s. 289.645, and expenditures from moneys received  
13      pursuant to P.L. 111-5; for the year before that year by less than the sum of the  
14      inflation factor and the valuation factor, rounded to the nearest 0.10%.

15          **SECTION 7.** 108.04 (7) (c) of the statutes is amended to read:

16          108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
17      the employee terminated his or her work but had no reasonable alternative because  
18      the employee was unable to do his or her work, or that the employee terminated his  
19      or her work because of the health verified illness or disability of a member of his or  
20      her immediate family and the verified illness or disability reasonably necessitates  
21      the care of the family member for a period of time that is longer than the employer  
22      is willing to grant leave; but if the department determines that the employee is  
23      unable to work or unavailable for work, the employee is ineligible to receive benefits  
24      while such inability or unavailability continues.

25          **SECTION 8.** 108.04 (7) (h) of the statutes is amended to read:

**BILL****SECTION 8**

1           108.04 (7) (h) The department shall charge to the fund's balancing account  
2           benefits paid to an employee that are otherwise chargeable to the account of an  
3           employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
4           if the employee voluntarily terminates employment with that employer and par. (a),  
5           (c), (d), (e), (k), (L), (o), (p), (q), ~~or (s),~~ or (t) applies.

6           **SECTION 9.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

7           108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
8           violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
9           or adult household member against another family or household member; by an  
10          adult person against his or her spouse or former spouse; ~~or by an adult person against~~  
11          a person with whom the person has a child in common; or by an adult person against  
12          an unrelated adult person with whom the person has had a personal relationship.

13          b. "Family member" means a spouse, parent, child or person related by  
14          consanguinity blood or adoption to another person.

15          **SECTION 10.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

16          108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
17          180.1901 (1m).

18          d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
19          includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

20          e. "Protective order" means a temporary restraining order or an injunction  
21          issued by a court of competent jurisdiction.

22          **SECTION 11.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

23          108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
24          about personal safety or harassment, concerns about the safety or harassment of his



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1 or her family members who reside with the employee or concerns about the safety or  
2 harassment of other household members; and

3 **SECTION 12.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

4 108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
5 domestic abuse or concerns about personal safety or harassment issued by a court  
6 of competent jurisdiction, a report by a law enforcement agency documenting the  
7 domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
8 by a health care professional or an employee of a domestic violence shelter.

9 **SECTION 13.** 108.04 (7) (s) 2. c. of the statutes is repealed.

10 **SECTION 14.** 108.04 (7) (t) of the statutes is created to read:

11 108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
12 the employee's spouse changed his or her place of employment to a place to which it  
13 is impractical to commute and the employee terminated his or her work to  
14 accompany the spouse to that place.

15 **SECTION 15.** 108.06 (1) of the statutes is amended to read:

16 108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
17 108.142, no claimant may receive total benefits based on employment in a base  
18 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
19 or 40% of the claimant's base period wages, whichever is lower. Except as provided  
20 in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
21 are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
22 (f), (10) (a), or (17), the claimant may not receive total benefits based on employment  
23 in a base period greater than 26 times the claimant's weekly benefit rate under s.  
24 108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
25 were paid or payable to the claimant, whichever is lower.

**BILL****SECTION 16**

1           **SECTION 16.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
2 amended to read:

3           108.06 (2) (c) No benefits are payable to a claimant for any week of  
4 unemployment not occurring during the claimant's benefit year except under sub. (7)  
5 and ss. 108.141 and 108.142.

6           (cm) If an employee qualifies to receive benefits using the base period described  
7 in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
8 not available for use in any subsequent benefit computation for the same employee,  
9 except under sub. (7) and s. 108.141 or 108.142.

10          (3) There shall be payable to an employee, for weeks ending within the  
11 employee's benefit year, only those benefits computed for that benefit year based on  
12 the wages paid to the employee in the immediately preceding base period. Wages  
13 used in a given benefit computation are not available for use in any subsequent  
14 benefit computation except under sub. (7) and s. 108.141.

15          (6) (intro.) If a claimant has established a benefit year prior to the effective date  
16 of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
17 claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
18 benefit year on that effective date, and the claimant was entitled to receive the  
19 maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
20 effective date, the limitation on the total benefits authorized to be paid to a claimant  
21 under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
22 or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
23 benefit year for the period beginning on that effective date shall be computed by:

24          **SECTION 17.** 108.06 (7) of the statutes is created to read:

25          108.06 (7) (a) In this subsection:

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1 "Applicable benefit year" means, with respect to a claimant, the claimant's  
 2 current benefit year if at the time an initial claim for benefits under this subsection  
 3 is filed the claimant has an unexpired benefit year or, in any other case, the  
 4 claimant's most recent benefit year.

5 2. "Training program" means any program of a type specified in s. 108.04 (16).

6 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible  
 7 for benefits and who is currently enrolled in a training program is eligible, while  
 8 enrolled in that training program, for additional benefits under this subsection  
 9 provided that the claimant:

10 1. Has exhausted all rights to regular benefits, federal emergency  
 11 compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, ~~and~~  
 12 and the federal trade act of 1974 (P.L. 93-618),  
 13 extended benefits under s. 108.141, or any other similar state or federal program of

14 additional ~~benefits~~ <sup>benefits</sup> current

15 2. Except as provided in par. (e), is first enrolled in a training program within  
 16 the claimant's applicable benefit year established based on the separation under

17 subd. 4;

18 3. Is not receiving similar stipends or other training allowances for nontraining  
 19 costs;

20 4. <sup>Was</sup> ~~has been~~ separated from employment in a declining occupation or  
 21 involuntarily separated from employment since the beginning of the base period of

22 the claimant's applicable benefit year as a result of a permanent reduction in  
 23 operations by his or her employing unit; and

24 5. Is being trained for entry into a high-demand occupation.

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## SECTION 17

1 (c) The weekly benefit rate payable to a claimant under this subsection for a  
2 week of total unemployment is an amount equal to the most recent weekly benefit  
3 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

4 (d) No claimant may receive total benefits under this subsection greater than  
5 26 times the claimant's weekly benefit rate that applied to the claimant's applicable  
6 benefit year.

7 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose  
8 *applicable* benefit year ends in a week in which benefits are payable in this state under s.  
9 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar  
10 state or federal program of additional benefits, is also eligible for benefits under this  
11 subsection if the claimant is first enrolled in a training program within 52 weeks  
12 after the end of the claimant's applicable benefit year *established based on the*  
13 *separation under par. (b) A.*

14 (f) No benefits may be paid to a claimant under this subsection for weeks  
15 beginning more than 52 weeks after the first week for which the claimant received  
16 benefits under this subsection.

17 (g) Except when the result would be inconsistent with the other provisions of  
18 this subsection, the provisions of this chapter that apply to claims for, or the payment  
19 of, regular benefits apply to claims for, and the payment of, benefits under this  
20 subsection.

21 (h) The occupations that qualify as declining or high-demand for purposes of  
22 this subsection shall be determined by the department.

23 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)  
24 apply to a claimant in a training program who is entitled to receive benefits under  
25 this subsection.

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(j) The department shall charge benefits paid under this subsection in the same manner as ~~provided for charging of regular~~ <sup>are charged</sup> benefits under s. ~~108.16 (2)~~ <sup>108.04 (16)</sup>.

**SECTION 18.** 108.14 (8n) (e) of the statutes is amended to read:

108.14 (8n) (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or, (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

**SECTION 19.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

108.141 (1) (a) "Eligibility period" of an individual means the period consisting of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an extended benefit period and, if the individual's benefit year ends within such that extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such a period. For weeks of unemployment beginning on or after February 17, 2009, and ending before June 1, 2010, or the last week for which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,

**BILL****SECTION 19**

1 “eligibility period” also means the period consisting of each week during which an  
2 individual is eligible for emergency unemployment compensation under P.L.  
3 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in  
4 an extended benefit period or if an individual’s eligibility for benefits under P.L.  
5 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
6 benefit period, each week thereafter which begins in that extended benefit period.

7 (b) 2. His or her benefit year having expired in the extended benefit period and  
8 prior to such week, lacks base period wages on the basis of which he or she could  
9 establish a benefit year under s. 108.06; and or

10 **SECTION 20.** 108.141 (1) (b) 2m. of the statutes is created to read:

11 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
12 2009, and ending before June 1, 2010, or with the last week for which federal sharing  
13 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
14 whichever is later, has exhausted federal emergency unemployment compensation  
15 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
16 extended benefit period that began in a week during or before which the individual  
17 has exhausted that emergency unemployment compensation; and

18 **SECTION 21.** 108.141 (1) (dm) of the statutes is created to read:

19 108.141 (1) (dm) “High unemployment period” means a period during which  
20 an extended benefit period would be in effect if par. (f) 3. a. were applied by  
21 substituting an average rate of total unemployment that equals or exceeds 8 percent.

22 **SECTION 22.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
23 1, is repealed and recreated to read:

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1           108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
2           consisting of that week and the immediately preceding 12 weeks, there is not a  
3           Wisconsin "on" indicator.

4           **SECTION 23.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

5           108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

6           1. The rate of insured unemployment for the period consisting of that week and  
7           the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
8           of such rates for the corresponding 13-week period ending in each of the preceding  
9           2 calendar years, and equaled or exceeded 5 percent; or

10          2. The rate of insured unemployment for the period consisting of that week and  
11          the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
12          rate of insured unemployment in the 2 preceding calendar years; or

13          3. With respect to weeks of unemployment beginning on or after February 17,  
14          2009, and ending with the week ending 3 weeks prior to the last week in which  
15          federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
16          thereto:

17           a. The average rate of total unemployment, seasonally adjusted, as determined  
18           by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
19           for which data for all states are published before the close of that week equals or  
20           exceeds 6.5 percent; and

21           b. The average rate of total unemployment in this state, seasonally adjusted,  
22           as determined by the U.S. secretary of labor for the period consisting of the most  
23           recent 3 months for which data for all states are published before the close of that  
24           week equals or exceeds 110 percent of the average for either or both of the  
25           corresponding 3-month periods ending in the 2 preceding calendar years.

**BILL****SECTION 24**

**SECTION 24.** 108.141 (5) of the statutes is repealed and recreated to read:

**108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT.** (a) Except as provided in pars. (b) and (c), the total extended benefit amount payable to an eligible individual in his or her benefit year is the least of the following amounts:

1. Fifty percent of the total amount of regular benefits that were payable to the individual in the individual's most recent benefit year rounded down to the nearest dollar, including benefits canceled under s. 108.04 (5); or

2. Thirteen times the individual's weekly benefit amount.

(b) The total extended benefit amount payable to an individual in his or her benefit year shall be reduced by the total amount of additional benefits paid or treated as paid under s. 108.142 for weeks of unemployment in the individual's benefit year that began prior to the beginning of the extended benefit period that is in effect in the week in which the individual first claims extended benefits.

(c) Except as provided in par. (b), effective with respect to weeks beginning in a high unemployment period, the total extended benefit amount payable to an individual in his or her benefit year is the least of the following amounts:

1. Eighty percent of the total amount of regular benefits that were payable to the individual in the individual's most recent benefit year rounded down to the nearest dollar, including benefits canceled under s. 108.04 (5); or

2. Twenty times the individual's weekly benefit amount.

**SECTION 25.** 108.141 (7) (a) of the statutes is amended to read:

**108.141 (7) (a)** The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss.



**BILL**

1 108.17 and 108.18 the department shall charge the share of extended benefits to  
2 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
3 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

4 **SECTION 26.** 118.125 (2) (g) 2. of the statutes is amended to read:

5 118.125 (2) (g) 2. Upon request by the department, the school board shall  
6 provide the department with any information contained in a pupil record that relates  
7 to an audit or evaluation of a federal or state-supported program or that is required  
8 to determine compliance with requirements under chs. 115 to 121. ~~The department~~  
9 ~~shall keep confidential all pupil records provided to the department by a school~~  
10 ~~board.~~

11 **SECTION 27.** 149.10 (2t) (e) of the statutes is amended to read:

12 149.10 (2t) (e) If the individual was offered the option of continuation coverage  
13 under a federal continuation provision or similar state program, including under  
14 2009 Wisconsin Act .... (this act), section 9126 (2), the individual elected the  
15 continuation coverage.

16 **SECTION 28.** 632.746 (3) (b) of the statutes is amended to read:

17 632.746 (3) (b) With respect to enrollment of an individual under a group health  
18 plan or a group health benefit plan, a period of creditable coverage after which the  
19 individual was not covered under any creditable coverage for a period of at least 63  
20 days before enrollment in the group health plan or group health benefit plan may not  
21 be counted. For purposes of this paragraph, the period specified in 2009 Wisconsin  
22 Act .... (this act), section 9126 (2) (i), or any waiting period or affiliation period for  
23 coverage under the group health plan or group health benefit plan shall not be taken  
24 into account in determining the period before enrollment in the group health plan  
25 or group health benefit plan.

**BILL****SECTION 9126****SECTION 9126. Nonstatutory provisions; Insurance.**

(1) DEFINITIONS. In this section, unless the context requires otherwise:

(a) "Covered employee" means a person who was previously covered under an employer's group policy.

(b) "Federal act" means the American Recovery and Reinvestment Act of 2009, P.L. 111-5.

(c) "Group policy" has the meaning given in section 632.897 (1) (c) 1., 2., and 3. of the statutes.

(d) "Insurer" includes an insurer that issues a group policy that replaces or succeeds a group policy in effect on the date that a terminated insured is first entitled to elect continuation of coverage.

(e) "State eligible individual" means a covered employee, or the spouse or dependent of a covered employee, to whom all of the following apply:

1. The covered employee's employment is involuntarily terminated during the period that begins on September 1, 2008, and ends on December 31, 2009, and that involuntary termination is the qualifying event for continuation of coverage for the covered employee or the spouse or dependent of the covered employee.

2. The covered employee or spouse or dependent of the covered employee is not eligible for continuation of coverage under a federal continuation provision, as defined in section 632.745 (8) of the statutes, and becomes eligible for continuation of coverage under section 632.897 of the statutes during any of the following:

a. The period that begins on September 1, 2008, and ends before the effective date of this subdivision 2. a.

b. The period that begins on the effective date of this subdivision 2. b. and ends before January 1, 2010.

**BILL**

1 (f) "Terminated insured" has the meaning given in section 632.897 (1) (f) of the  
2 statutes.

3 (2) ADDITIONAL CONTINUATION COVERAGE ELECTION OPPORTUNITY FOR STATE  
4 ELIGIBLE INDIVIDUALS ELIGIBLE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

5 (a) Notwithstanding section 632.897 (2) (d) and (3) (a) of the statutes, an  
6 insurer shall permit a terminated insured, on behalf of a state eligible individual who  
7 became eligible during the period described under subsection (1) (e) 2. a. and who  
8 does not have continuation coverage on the effective date of this paragraph, to elect  
9 continuation of coverage during a 60-day period beginning on the date of the notice  
10 required to be provided under paragraph (b) or (c).

11 (b) An employer of a terminated insured who may elect continuation of  
12 coverage for a state eligible individual described in paragraph (a) shall provide notice  
13 to the terminated insured that he or she has the right to elect continuation of  
14 coverage for the state eligible individual, regardless of whether the employer has  
15 already provided notice to the individual under section 632.897 (2) (d) of the statutes,  
16 subject to paragraph (g) 1. The notice under this paragraph must satisfy all of the  
17 following requirements:

18 1. The notice must be provided no later than 10 days after the effective date of  
19 this subdivision.

20 2. The notice must include information substantially in the form and be  
21 provided in the manner required for the notice required under section 3001 (a) (7)  
22 of the federal act.

23 3. The notice form must be modified appropriately to reflect that the right to  
24 elect continuation of coverage is governed by this subsection.

**BILL****SECTION 9126**

1           4. The notice must include a description of the individual's right to, and the  
2           effect of, electing continuation of coverage under this subsection and under section  
3           632.897 of the statutes.

4           (c) If an employer that is required to provide the notice under paragraph (b)  
5           fails to provide the notice required under paragraph (b), the insurer that would be  
6           responsible for providing continuation of coverage to the state eligible individual if  
7           the terminated insured were to elect continuation of coverage on behalf of the state  
8           eligible individual shall provide the notice specified in paragraph (b).

9           (d) The notice under paragraph (b) or (c) is not effective, and the 60-day period  
10          for electing continuation of coverage does not commence, unless the notice under  
11          paragraph (b) or (c) is provided and contains the information required under  
12          paragraph (b).

13          (e) For a state eligible individual who became eligible for continuation of  
14          coverage under section 632.897 of the statutes before February 17, 2009, and who did  
15          not have continuation of coverage on February 17, 2009, continuation of coverage  
16          that is elected under this subsection shall be effective as of the date of the first  
17          coverage period after February 17, 2009, and is not required to extend beyond the  
18          period of coverage that would have been required under section 632.897 of the  
19          statutes had the individual elected continuation of coverage when originally eligible  
20          instead of under this subsection.

21          (f) For a state eligible individual who became eligible for continuation of  
22          coverage under section 632.897 of the statutes on or after February 17, 2009, but  
23          before the effective date of this paragraph, continuation of coverage that is elected  
24          under this subsection shall commence on the date the state eligible individual was  
25          originally eligible and coverage is not required to extend beyond the period of

## BILL

1 coverage that would have been required under section 632.897 of the statutes had  
2 the individual elected continuation of coverage when originally eligible instead of  
3 under this subsection.

4 (g) 1. Paragraphs (a) and (b) do not apply to a state eligible individual if the  
5 employer or insurer provided a notice under section 632.897 (2) (d) of the statutes  
6 that included the information required under paragraph (b).

7 2. If an employer or insurer provided notice that complies with paragraph (b)  
8 before the effective date of this subdivision, the notice is effective for the purpose of  
9 this section and the 60-day period under paragraph (a) begins on the date the notice  
10 was provided.

11 (h) An individual who elects continuation of coverage under this subsection  
12 shall have elected continuation of coverage for the purpose of section 149.10 (2t) (e)  
13 of the statutes, as affected by this act.

14 (i) For an individual who elects continuation of coverage under this subsection,  
15 the period, if any, from the date of the termination of the individual's coverage as a  
16 result of the qualifying event under section 632.897 (2) (b) of the statutes to the  
17 commencement of continuation of coverage under this subsection shall be  
18 disregarded for the purpose of determining the 63-day period under section 632.746  
19 (3) (b) of the statutes, as affected by this act.

20 (3) NOTICE FOR STATE ELIGIBLE INDIVIDUALS ELIGIBLE BEGINNING ON THE EFFECTIVE  
21 DATE OF THIS SUBSECTION. An employer of a terminated insured who may elect  
22 continuation of coverage for a state eligible individual who becomes eligible for  
23 continuation of coverage under section 632.897 of the statutes during the period  
24 under subsection (1) (e) 2. b. shall provide notice under section 632.897 (2) (d) of the  
25 statutes, except that the notice must include information substantially in the form

**BILL****SECTION 9126**

1 and be provided in the manner required for the notice under section 3001 (a) (7) of  
2 the federal act.

3 (4) CONTINUATION COVERAGE RULES.

4 (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2),  
5 and (3), the commissioner of insurance may promulgate rules establishing standards  
6 requiring insurers to provide continuation of coverage for any individual covered at  
7 any time under a group policy who is a state eligible individual to whom subsection  
8 (2) or (3) applies or an assistance eligible individual, as defined under section 3001  
9 (a) (3) of the federal act, including rules governing election or extension of election  
10 periods, notice, rates, premiums, premium payment, application of preexisting  
11 condition exclusions, and election of alternative coverage.

12 (b) The commissioner may promulgate the rules under paragraph (a) as  
13 emergency rules under section 227.24 of the statutes. Notwithstanding section  
14 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph  
15 may remain in effect for one year and may be extended under section 227.24 (2) of  
16 the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the  
17 commissioner is not required to provide evidence that promulgating a rule under this  
18 paragraph as an emergency rule is necessary for the preservation of public peace,  
19 health, safety, or welfare and is not required to provide a finding of emergency for a  
20 rule promulgated under this paragraph.

21 **SECTION 9137. Nonstatutory provisions; Natural Resources.**

22 (1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND  
23 PROJECTS.

24 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant for  
25 clean water state revolving loan funds under the federal Water Pollution Control Act,

**BILL**

1 the department of natural resources and the department of administration may, as  
2 provided in this subsection, allocate the funds, before July 1, 2011, for financial  
3 assistance to municipalities under section 281.58 of the statutes for projects eligible  
4 to receive financial assistance under that section.

5 (b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes,  
6 applications may be approved and funds may be allocated and expended for projects  
7 under this subsection before the 2009-11 biennial budget act is enacted. The amount  
8 of present value of the subsidy for financial assistance provided under this  
9 subsection equals \$105,948,300. This is in addition to any amounts specified under  
10 section 281.59 (3e) (b) of the statutes. The department of natural resources may  
11 establish a percentage limit on the amount of financial assistance available under  
12 this subsection that may be received by any eligible applicant.

13 (c) The department of natural resources and the department of administration  
14 may provide financial assistance under this subsection in the form of grants or loans.  
15 Eligibility for grants under this subsection is not limited to municipalities eligible  
16 under section 281.58 (13) of the statutes. The department of natural resources may  
17 waive the limit under section 281.58 (8) (g) of the statutes in providing financial  
18 assistance under this subsection to a municipality eligible for financial assistance  
19 under section 281.58 (13) of the statutes. Loans under this subsection may be  
20 provided at rates that differ from the rates under section 281.58 (12) of the statutes,  
21 including negative interest rates that result in total payments that are less than the  
22 principal amounts of the loans. A financial assistance agreement for a loan under  
23 this subsection may provide for forgiveness of a portion of the principal amount of  
24 the loan.

**BILL****SECTION 9137**

1 (d) The department of natural resources may establish a different deadline for  
2 submitting notice of intent to apply for financial assistance for the purposes of this  
3 subsection than the deadline in section 281.58 (8m) of the statutes. The department  
4 may also establish a deadline for submitting applications for financial assistance  
5 under this subsection.

6 (e) In determining which projects to provide financial assistance under this  
7 subsection, the department of natural resources may consider any of the following:

- 8 1. Readiness of a project to proceed to construction.
- 9 2. The unemployment rate in the county in which a project is located.
- 10 3. The extent to which a project promotes water efficiency or energy efficiency;  
11 is environmentally innovative; or uses natural systems or engineered systems that  
12 mimic natural processes, also called green infrastructure.

- 13 4. The geographic distribution of projects.

14 (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
15 natural resources and the department of administration are not required to  
16 promulgate rules for the purposes of this subsection.

17 (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
18 WATER PROJECTS.

19 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant  
20 under the federal Safe Drinking Water Act, the department of natural resources and  
21 the department of administration may, as provided in this subsection, obligate the  
22 funds before July 1, 2011, for financial assistance to local governmental units under  
23 section 281.61 of the statutes for projects eligible to receive financial assistance  
24 under that section.



**BILL**

1           (b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (c) of the statutes,  
2       applications may be approved and funds may be allocated and expended for projects  
3       under this subsection before the 2009-11 biennial budget act is enacted. The amount  
4       of present value of the subsidy for financial assistance provided under this  
5       subsection equals \$37,750,000. This is in addition to any amounts specified under  
6       section 281.59 (3s) (b) of the statutes. The department of natural resources may  
7       establish a percentage limit on the amount of financial assistance available under  
8       this subsection that may be received by any eligible applicant.

9           (c) The department of natural resources and the department of administration  
10      may provide financial assistance under this subsection in the form of grants or loans,  
11      notwithstanding section 281.61 (2r) of the statutes. Loans under this subsection may  
12      be provided at rates that differ from the rates under section 281.61 (11) of the  
13      statutes, including negative interest rates that result in total payments that are less  
14      than the principal amounts of the loans. A financial assistance agreement for a loan  
15      under this subsection may provide for forgiveness of a portion of the principal  
16      amount of the loan.

17          (d) The department of natural resources may establish a different deadline for  
18      submitting notice of intent to apply for financial assistance for the purposes of this  
19      subsection than the deadline in section 281.61 (3) of the statutes. If the department  
20      of natural resources has not received sufficient applications by the deadline under  
21      section 281.61 (5) of the statutes to use all of the funds described in paragraph (a),  
22      it may waive the deadline.

23          (e) In determining which projects to provide financial assistance under this  
24      subsection, the department of natural resources may consider any of the following:

- 25           1. Readiness of a project to proceed to construction.

**BILL****SECTION 9137**

1           2. The unemployment rate in the county in which a project is located.

2           3. The extent to which a project promotes water efficiency or energy efficiency;  
3 is environmentally innovative; or uses natural systems or engineered systems that  
4 mimic natural processes, also called green infrastructure.

5           4. The geographic distribution of projects.

6           (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
7 natural resources and the department of administration are not required to  
8 promulgate rules for the purposes of this subsection.

9           **SECTION 9356. Initial applicability; Workforce Development.**

10           (1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h),  
11 (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7)  
12 (a) of the statutes first applies with respect to terminations of employment occurring  
13 on the effective date of this subsection.

14           (2) BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6)  
15 (intro.), and (7) of the statutes first applies with respect to weeks of unemployment  
16 beginning on the effective date of this subsection.

17           **SECTION 9400. Effective dates; general.**

18           (1) Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act  
19 takes effect on the day after publication.

20           **SECTION 9408. Effective dates; Children and Families.**

21           (1) ELIGIBILITY FOR COMMUNITY ACTION AGENCY PROGRAMMING. The repeal and  
22 recreation of section 49.265 (1) (b) of the statutes takes effect on July 1, 2010.

23           **SECTION 9456. Effective dates; Workforce Development.**

**BILL**

TRAINING ← CS

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1

(1) UNEMPLOYMENT INSURANCE BENEFITS. The treatment of section 108.06 (1), (2)

2

(c) and (cm), (3), (6) (intro.), and (7) of the statutes and SECTION 9356 (2) take effect

3

on the first Sunday following the 90th day after publication.

of this act

4

(2) UNEMPLOYMENT INSURANCE. The treatment of sections 108.04 (7) (c), (h), (s)

5

1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e), and 108.141 (1) (a),

6

(b) 2. and 2m., (dm), (e), and (f), (5), and (7) (a) of the statutes and SECTION 9356 (1)

7

of this act take effect on the first Sunday after publication.

8

(END)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2556/3ins  
JTK.....

*NO*

*INS 5A*

In addition, the bill provides that if the benefit year<sup>✓</sup> of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally (see below), the claimant is also eligible for the additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the program within 52<sup>✓</sup> weeks after the end of the claimant's benefit year that qualified the claimant for benefits.<sup>✓</sup>

*(end ins)*

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Monday, April 20, 2009 3:40 PM  
**To:** Aaron Gary; Becky Tradewell; Bruce Hoesly; Cathlene Hanaman; Christopher Sundberg; Debora Kennedy; Eric Mueller; Gordon Malaise; Jeffery Kuesel; Joseph Kreye; Marc Shovers; Mark Kunkel; Mary Gibson-Glass; Pam Kahler; Peggy Hurley; Peter Grant; Rick Champagne; Robert Nelson; Robin Kite; Robin Ryan; Steve Miller; Tamara Dodge; Tracy Kuczenski  
**Subject:** CMH's DOA AR&RA Draft (LRB-2697/2 - attached)  
**Attachments:** 09-2697/2



09-26972.pdf (99  
KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

**Malaise, Gordon**

---

**From:** Stinebrink, Cory R - DOA [Cory.Stinebrink@wisconsin.gov]  
**Sent:** Thursday, April 23, 2009 10:16 AM  
**To:** Malaise, Gordon  
**Cc:** Beadles, Kathleen - DOA; Hanaman, Cathlene; Kraus, Jennifer - DOA; Hanle, Bob - DOA  
**Subject:** FW: LRB Draft: 09-2551/1 Eligibility for community action agency programming

Gordon-

For the fast-track legislation relating to the federal ARRA we requested LRB Draft: 09-2551/1 Eligibility for community action agency programming. We had initially requested that we increase the eligibility to 200% of federal poverty in only FY09 and FY10. However, we would like to have that time frame extended through September 30, 2010.

Thanks,  
Cory R Stinebrink

---

**From:** Nikolay, Robert A - DCF  
**Sent:** Thursday, April 23, 2009 10:08 AM  
**To:** Hanle, Bob - DOA  
**Cc:** Stinebrink, Cory R - DOA  
**Subject:** RE: LRB Draft: 09-2551/1 Eligibility for community action agency programming

I think we need to change the effective date on the repeal and recreate to Sept. 30, 2010 to match the date the ARRA funds are available for spending. Attached is the guidance from ACF. Sorry for the tardiness in responding.

<http://www.acf.hhs.gov/programs/ocs/csbg/guidance/im109.html>



IN 4/23  
State of Wisconsin  
2009 - 2010 LEGISLATURE

TODAY!

(pp 3+27)

LRB-2697/2

ALL:all:jjf

Stays

RMR

2009 BILL

Regeen

1 AN ACT *to repeal* 108.04 (7) (s) 2. c.; *to amend* 16.27 (5) (b), 16.957 (1) (m), 49.265

2 (1) (b), 79.05 (2) (c), 108.04 (7) (c), 108.04 (7) (h), 108.04 (7) (s) 1. a. and b., 108.04

3 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and (6) (intro.), 108.14 (8n) (e),

4 108.141 (1) (a) and (b) 2., 108.141 (7) (a), 118.125 (2) (g) 2., 149.10 (2t) (e) and

5 632.746 (3) (b); *to repeal and recreate* 49.265 (1) (b), 108.04 (7) (s) 2. b.,

6 108.141 (1) (e), 108.141 (1) (f) and 108.141 (5); and *to create* 20.505 (6) (n),

7 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06 (7), 108.141 (1) (b) 2m. and

8 108.141 (1) (dm) of the statutes; **relating to:** eligibility for unemployment

9 insurance benefits and payment of extended benefits; excluding recovery and

10 reinvestment act moneys from the calculation of expenditure restraint

11 payments; eligibility for participation in the programs of a community action

12 agency; financial assistance under the Clean Water Fund Program and the Safe

13 Drinking Water Loan Program; the confidentiality of pupil records provided to

14 the Department of Public Instruction; financial assistance for criminal justice

**BILL**

1 programs; definition of low-income household under energy and  
2 weatherization assistance programs; eligibility and notice changes for state  
3 continuation of coverage for health insurance; providing an exemption from  
4 emergency rule procedures; granting rule-making authority; and making an  
5 appropriation.

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***Analysis by the Legislative Reference Bureau*****CRIME**

This bill creates an appropriation of federal revenues that allows moneys received under the federal American Recovery and Reinvestment Act (ARRA) for criminal justice programs to be used for that purpose.

**EDUCATION**

With certain exceptions, current law requires that all pupil records maintained by a public school be kept confidential. One exception requires a school board, upon request by the Department of Public Instruction (DPI), to provide DPI with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with state laws governing public schools. Current law directs DPI to keep confidential all pupil records provided to DPI by a school board.

This bill eliminates the requirement that DPI keep confidential pupil records received from a school board. Under current federal regulations, however, DPI may make further disclosures of personally identifiable information from a pupil's records only on behalf of the educational agency or institution that disclosed the information to DPI, and only if the disclosure falls into one or more of the existing exceptions to the confidentiality requirement.

**ENVIRONMENT**

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Clean Water Fund Program. This bill authorizes those funds to be expended under the Clean Water Fund Program. The bill allows the funds to be provided as loans at interest rates that



**BILL**

may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants, without regard to the financial hardship criteria. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems, using state and federal funds. The loans are provided at subsidized interest rates. The law specifies the interest rates at which loans are provided. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for safe drinking water projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Safe Drinking Water Loan Program. This bill authorizes those funds to be expended under the Safe Drinking Water Loan Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

**HEALTH AND HUMAN SERVICES**

Under current law, a community action agency approved by the secretary of children and families and by the legislative body of the local governmental unit serviced by the community action agency is required to develop and implement programs designed to serve persons whose income is at or below 125 percent of the poverty line. Those programs may include provisions that will help those persons secure and retain employment, improve their education, make better use of available income, obtain adequate housing and a suitable living environment, secure needed transportation, obtain emergency assistance, participate in community affairs, and use more effectively other available programs. This bill increases the eligibility threshold for participation in a program of a community action agency to 200 percent of the poverty line ~~for fiscal years 2008-09 and 2009-10~~. *until September 30, 2010, After that date the eligibility threshold reverts to 125 percent of the poverty line*

**INSURANCE**

Under current law, an employee who is covered by a group health insurance policy through his or her employer and who is involuntarily terminated from his or her job may elect to continue coverage after termination. Wisconsin law provides for continuation coverage for those not covered under a similar federal law. Current law requires employers to send a notice within five days of the termination describing the terminated employee's right to continue coverage. Within 30 days of receiving the notice, the terminated employee may elect continuation coverage for himself or herself or for his or her spouse and dependents if they had also been covered through the employer's group health insurance.

The ARRA provides specific benefits for certain people who are eligible for continuation coverage under federal law or under state law. Under this bill, for those

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terminated employees who became eligible for state continuation coverage on or after September 1, 2008, but before the effective date of this bill, the employer has ten days after the effective date of the bill to send an additional notice that contains the information required under the ARRA, and the terminated employee has 60 days to elect continuation coverage instead of 30 days. For those terminated employees who become eligible for state continuation coverage on or after the effective date of this bill but before January 1, 2010, the employer must send the notice as required under current law, but the notice must contain the information as required under the ARRA.

**SHARED REVENUE**

Under current law, for purposes of determining a municipality's eligibility to receive expenditure restraint payments, a comparison of a municipality's current budget with its previous budget excludes principal and interest on long-term debt, certain revenue sharing payments, and recycling fee payments. Under this bill, expenditures from moneys received under the ARRA are also excluded from municipal budget comparisons for purposes of determining a municipality's eligibility to receive expenditure restraint payments.

**STATE GOVERNMENT**

Under current law, DOA administers programs for providing energy and weatherization assistance to low-income households. Under the programs, "low-income household" is defined, in part, as a household with income that is not more than 150 percent of income poverty guidelines or a poverty line determined under federal law. This bill defines "low-income household" for the programs as, in part, not more than 60 percent of the statewide median household income.

**UNEMPLOYMENT INSURANCE**

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment.*** Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee

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of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

***Approved training in high-demand occupations.*** Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides additional benefits to certain claimants. The bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in an approved training program under current law and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims additional benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation. In addition, the bill provides that if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally (see below), the claimant is also eligible for the additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits.

**PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for

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claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 16.27 (5) (b) of the statutes is amended to read:

2       16.27 (5) (b) A household with income which is not more than ~~150% of the~~  
3 ~~income poverty guidelines for the nonfarm population of the United States as~~  
4 ~~prescribed by the federal office of management and budget under 42 USC 9902 (2)~~  
5 60 percent of the statewide median household income.

6       **SECTION 2.** 16.957 (1) (m) of the statutes is amended to read:

7       16.957 (1) (m) "Low-income household" means any individual or group of  
8 individuals in this state who are living together as one economic unit and for whom  
9 residential electricity is customarily purchased in common or who make  
10 undesignated payments for electricity in the form of rent, and whose household  
11 income is not more than ~~150% of the poverty line as determined under 42 USC 9902~~  
12 (2) 60 percent of the statewide median household income.

13       **SECTION 3.** 20.505 (6) (n) of the statutes is created to read:

14       20.505 (6) (n) *Federal aid; criminal justice.* All moneys received from the  
15 federal government pursuant to P.L. 111-5 for criminal justice programs to carry out  
16 the purpose for which received.

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1           **SECTION 4.** 49.265 (1) (b) of the statutes is amended to read:

2           49.265 (1) (b) "Poor person" means a resident of a community served by a  
3           community action agency; whose income is at or below ~~125%~~ 200 percent of the  
4           poverty line.

5           **SECTION 5.** 49.265 (1) (b) of the statutes, as affected by 2009 Wisconsin Act ....  
6           (this act), is repealed and recreated to read:

7           49.265 (1) (b) "Poor person" means a resident of a community served by a  
8           community action agency whose income is at or below 125 percent of the poverty line.

9           **SECTION 6.** 79.05 (2) (c) of the statutes is amended to read:

10          79.05 (2) (c) Its municipal budget; exclusive of principal and interest on  
11          long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and,~~  
12          recycling fee payments under s. 289.645, and expenditures from moneys received  
13          pursuant to P.L. 111-5; for the year of the statement under s. 79.015 increased over  
14          its municipal budget as adjusted under sub. (6); exclusive of principal and interest  
15          on long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and,~~  
16          recycling fee payments under s. 289.645, and expenditures from moneys received  
17          pursuant to P.L. 111-5; for the year before that year by less than the sum of the  
18          inflation factor and the valuation factor, rounded to the nearest 0.10%.

19          **SECTION 7.** 108.04 (7) (c) of the statutes is amended to read:

20          108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
21          the employee terminated his or her work but had no reasonable alternative because  
22          the employee was unable to do his or her work, or that the employee terminated his  
23          or her work because of the ~~health~~ verified illness or disability of a member of his or  
24          her immediate family and the verified illness or disability reasonably necessitates  
25          the care of the family member for a period of time that is longer than the employer

**BILL****SECTION 7**

1 is willing to grant leave; but if the department determines that the employee is  
2 unable to work or unavailable for work, the employee is ineligible to receive benefits  
3 while such inability or unavailability continues.

4 **SECTION 8.** 108.04 (7) (h) of the statutes is amended to read:

5 108.04 (7) (h) The department shall charge to the fund's balancing account  
6 benefits paid to an employee that are otherwise chargeable to the account of an  
7 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
8 if the employee voluntarily terminates employment with that employer and par. (a),  
9 (c), (d), (e), (k), (L), (o), (p), (q), ~~or~~ (s), or (t) applies.

10 **SECTION 9.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

11 108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
12 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
13 or adult household member against another family or household member; by an  
14 adult person against his or her spouse or former spouse; ~~or by an adult person against~~  
15 a person with whom the person has a child in common; or by an adult person against  
16 an unrelated adult person with whom the person has had a personal relationship.

17 b. "Family member" means a spouse, parent, child or person related by  
18 consanguinity blood or adoption to another person.

19 **SECTION 10.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

20 108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
21 180.1901 (1m).

22 d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
23 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

24 e. "Protective order" means a temporary restraining order or an injunction  
25 issued by a court of competent jurisdiction.

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1           **SECTION 11.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

2           108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
3           about personal safety or harassment, concerns about the safety or harassment of his  
4           or her family members who reside with the employee or concerns about the safety or  
5           harassment of other household members; and

6           **SECTION 12.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

7           108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
8           domestic abuse or concerns about personal safety or harassment issued by a court  
9           of competent jurisdiction, a report by a law enforcement agency documenting the  
10          domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
11          by a health care professional or an employee of a domestic violence shelter.

12          **SECTION 13.** 108.04 (7) (s) 2. c. of the statutes is repealed.

13          **SECTION 14.** 108.04 (7) (t) of the statutes is created to read:

14          108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
15          the employee's spouse changed his or her place of employment to a place to which it  
16          is impractical to commute and the employee terminated his or her work to  
17          accompany the spouse to that place.

18          **SECTION 15.** 108.06 (1) of the statutes is amended to read:

19          108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
20          108.142, no claimant may receive total benefits based on employment in a base  
21          period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
22          or 40% of the claimant's base period wages, whichever is lower. Except as provided  
23          in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
24          are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
25          (f), (10) (a), or (17), the claimant may not receive total benefits based on employment

**BILL****SECTION 15**

1 in a base period greater than 26 times the claimant's weekly benefit rate under s.  
2 108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
3 were paid or payable to the claimant, whichever is lower.

4 **SECTION 16.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
5 amended to read:

6 108.06 (2) (c) No benefits are payable to a claimant for any week of  
7 unemployment not occurring during the claimant's benefit year except under sub. (7)  
8 and ss. 108.141 and 108.142.

9 (cm) If an employee qualifies to receive benefits using the base period described  
10 in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
11 not available for use in any subsequent benefit computation for the same employee,  
12 except under sub. (7) and s. 108.141 or 108.142.

13 (3) There shall be payable to an employee, for weeks ending within the  
14 employee's benefit year, only those benefits computed for that benefit year based on  
15 the wages paid to the employee in the immediately preceding base period. Wages  
16 used in a given benefit computation are not available for use in any subsequent  
17 benefit computation except under sub. (7) and s. 108.141.

18 (6) (intro.) If a claimant has established a benefit year prior to the effective date  
19 of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
20 claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
21 benefit year on that effective date, and the claimant was entitled to receive the  
22 maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
23 effective date, the limitation on the total benefits authorized to be paid to a claimant  
24 under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)



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1 or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
2 benefit year for the period beginning on that effective date shall be computed by:

3 **SECTION 17.** 108.06 (7) of the statutes is created to read:

4 108.06 (7) (a) In this subsection:

5 1. "Applicable benefit year" means, with respect to a claimant, the claimant's  
6 current benefit year if at the time an initial claim for benefits under this subsection  
7 is filed the claimant has an unexpired benefit year or, in any other case, the  
8 claimant's most recent benefit year.

9 2. "Training program" means any program of a type specified in s. 108.04 (16).

10 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible  
11 for benefits and who is currently enrolled in a training program is eligible, while  
12 enrolled in that training program, for additional benefits under this subsection  
13 provided that the claimant:

14 1. Has exhausted all rights to regular benefits, Wisconsin supplemental  
15 benefits, federal emergency compensation benefits under P.L. 110-252 and P.L.  
16 110-449, as amended, extended benefits under s. 108.141, and the federal trade act  
17 of 1974 (P.L. 93-618), or any other similar state or federal program of additional  
18 benefits;

19 2. If not in a current benefit year, has a benefit year that ended no earlier than  
20 52 weeks prior to the week for which the claimant first claims benefits under this  
21 subsection;

22 3. Except as provided in par. (e), is first enrolled in a training program within  
23 the claimant's applicable benefit year;

24 4. Is not receiving similar stipends or other training allowances for nontraining  
25 costs;

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1           5. Was separated from employment in a declining occupation or involuntarily  
2 separated from employment as a result of a permanent reduction in operations by  
3 his or her employing unit, if the separation occurred no earlier than the beginning  
4 of the base period for the claimant's applicable benefit year; and

5           6. Is being trained for entry into a high-demand occupation.

6           (c) The weekly benefit rate payable to a claimant under this subsection for a  
7 week of total unemployment is an amount equal to the most recent weekly benefit  
8 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

9           (d) No claimant may receive total benefits under this subsection greater than  
10 26 times the claimant's weekly benefit rate that applied to the claimant's applicable  
11 benefit year.

12           (e) A claimant who is otherwise eligible for benefits under par. (b) and whose  
13 applicable benefit year ends in a week in which benefits are payable in this state  
14 under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another  
15 similar state or federal program of additional benefits, is also eligible for benefits  
16 under this subsection if the claimant is first enrolled in a training program within  
17 52 weeks after the end of the claimant's applicable benefit year.

18           (f) No benefits may be paid to a claimant under this subsection for weeks  
19 beginning more than 52 weeks after the first week for which the claimant received  
20 benefits under this subsection.

21           (g) Except when the result would be inconsistent with the other provisions of  
22 this subsection, the provisions of this chapter that apply to claims for, or the payment  
23 of, regular benefits apply to claims for, and the payment of, benefits under this  
24 subsection.

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1 (h) The occupations that qualify as declining or high-demand for purposes of  
2 this subsection shall be determined by the department.

3 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)  
4 apply to a claimant in a training program who is entitled to receive benefits under  
5 this subsection.

6 (j) The department shall charge benefits paid under this subsection in the same  
7 manner as benefits are charged under s. 108.04 (16).

8 **SECTION 18.** 108.14 (8n) (e) of the statutes is amended to read:

9 108.14 (8n) (e) The department shall charge this state's share of any benefits  
10 paid under this subsection to the account of each employer by which the employee  
11 claiming benefits was employed in the applicable base period, in proportion to the  
12 total amount of wages he or she earned from each employer in the base period, except  
13 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~, (q), (s), or (t), (7m) or  
14 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an  
15 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,  
16 the department shall charge the share of benefits based on employment with that  
17 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
18 would have applied to an employer that is not subject to the contribution  
19 requirements of ss. 108.17 and 108.18, the department shall charge the share of  
20 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
21 department shall also charge the fund's balancing account with any other state's  
22 share of such benefits pending reimbursement by that state.

23 **SECTION 19.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

24 108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
25 of the weeks each week in the individual's benefit year which ~~begin~~ begins in an

**BILL****SECTION 19**

1 extended benefit period and, if the individual's benefit year ends within ~~such~~ that  
2 extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such  
3 a period. For weeks of unemployment beginning on or after February 17, 2009, and  
4 ending before June 1, 2010, or the last week for which federal sharing is authorized  
5 by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
6 "eligibility period" also means the period consisting of each week during which an  
7 individual is eligible for emergency unemployment compensation under P.L.  
8 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in  
9 an extended benefit period or if an individual's eligibility for benefits under P.L.  
10 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
11 benefit period, each week thereafter which begins in that extended benefit period.

12 (b) 2. His or her benefit year having expired in the extended benefit period and  
13 prior to such week, lacks base period wages on the basis of which he or she could  
14 establish a benefit year under s. 108.06; ~~and~~ or

15 **SECTION 20.** 108.141 (1) (b) 2m. of the statutes is created to read:

16 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
17 2009, and ending before June 1, 2010, or with the last week for which federal sharing  
18 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
19 whichever is later, has exhausted federal emergency unemployment compensation  
20 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
21 extended benefit period that began in a week during or before which the individual  
22 has exhausted that emergency unemployment compensation; and

23 **SECTION 21.** 108.141 (1) (dm) of the statutes is created to read:

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1           108.141 (1) (dm) "High unemployment period" means a period during which  
2           an extended benefit period would be in effect if par. (f) 3. a. were applied by  
3           substituting an average rate of total unemployment that equals or exceeds 8 percent.

4           **SECTION 22.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
5           1, is repealed and recreated to read:

6           108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
7           consisting of that week and the immediately preceding 12 weeks, there is not a  
8           Wisconsin "on" indicator.

9           **SECTION 23.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

10          108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

11          1. The rate of insured unemployment for the period consisting of that week and  
12          the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
13          of such rates for the corresponding 13-week period ending in each of the preceding  
14          2 calendar years, and equaled or exceeded 5 percent; or

15          2. The rate of insured unemployment for the period consisting of that week and  
16          the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
17          rate of insured unemployment in the 2 preceding calendar years; or

18          3. With respect to weeks of unemployment beginning on or after February 17,  
19          2009, and ending with the week ending 3 weeks prior to the last week in which  
20          federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
21          thereto:

22          a. The average rate of total unemployment, seasonally adjusted, as determined  
23          by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
24          for which data for all states are published before the close of that week equals or  
25          exceeds 6.5 percent; and

**BILL****SECTION 23**

1           b. The average rate of total unemployment in this state, seasonally adjusted,  
2           as determined by the U.S. secretary of labor for the period consisting of the most  
3           recent 3 months for which data for all states are published before the close of that  
4           week equals or exceeds 110 percent of the average for either or both of the  
5           corresponding 3-month periods ending in the 2 preceding calendar years.

6           **SECTION 24.** 108.141 (5) of the statutes is repealed and recreated to read:

7           108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
8           (b) and (c), the total extended benefit amount payable to an eligible individual in his  
9           or her benefit year is the least of the following amounts:

10           1. Fifty percent of the total amount of regular benefits that were payable to the  
11           individual in the individual's most recent benefit year rounded down to the nearest  
12           dollar, including benefits canceled under s. 108.04 (5); or

13           2. Thirteen times the individual's weekly benefit amount.

14           (b) The total extended benefit amount payable to an individual in his or her  
15           benefit year shall be reduced by the total amount of additional benefits paid or  
16           treated as paid under s. 108.142 for weeks of unemployment in the individual's  
17           benefit year that began prior to the beginning of the extended benefit period that is  
18           in effect in the week in which the individual first claims extended benefits.

19           (c) Except as provided in par. (b), effective with respect to weeks beginning in  
20           a high unemployment period, the total extended benefit amount payable to an  
21           individual in his or her benefit year is the least of the following amounts:

22           1. Eighty percent of the total amount of regular benefits that were payable to  
23           the individual in the individual's most recent benefit year rounded down to the  
24           nearest dollar, including benefits canceled under s. 108.04 (5); or

25           2. Twenty times the individual's weekly benefit amount.

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1           **SECTION 25.** 108.141 (7) (a) of the statutes is amended to read:

2           108.141 (7) (a) The department shall charge the state's share of each week of  
3           extended benefits to each employer's account in proportion to the employer's share  
4           of the total wages of the employee receiving the benefits in the employee's base  
5           period, except that if the employer is subject to the contribution requirements of ss.  
6           108.17 and 108.18 the department shall charge the share of extended benefits to  
7           which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
8           (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

9           **SECTION 26.** 118.125 (2) (g) 2. of the statutes is amended to read:

10           118.125 (2) (g) 2. Upon request by the department, the school board shall  
11           provide the department with any information contained in a pupil record that relates  
12           to an audit or evaluation of a federal or state-supported program or that is required  
13           to determine compliance with requirements under chs. 115 to 121. The department  
14           ~~shall keep confidential all pupil records provided to the department by a school~~  
15           ~~board.~~

16           **SECTION 27.** 149.10 (2t) (e) of the statutes is amended to read:

17           149.10 (2t) (e) If the individual was offered the option of continuation coverage  
18           under a federal continuation provision or similar state program, including under  
19           2009 Wisconsin Act .... (this act), section 9126 (2), the individual elected the  
20           continuation coverage.

21           **SECTION 28.** 632.746 (3) (b) of the statutes is amended to read:

22           632.746 (3) (b) With respect to enrollment of an individual under a group health  
23           plan or a group health benefit plan, a period of creditable coverage after which the  
24           individual was not covered under any creditable coverage for a period of at least 63  
25           days before enrollment in the group health plan or group health benefit plan may not

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1 be counted. For purposes of this paragraph, the period specified in 2009 Wisconsin  
2 Act ... (this act), section 9126 (2) (i), or any waiting period or affiliation period for  
3 coverage under the group health plan or group health benefit plan shall not be taken  
4 into account in determining the period before enrollment in the group health plan  
5 or group health benefit plan.

6 **SECTION 9126. Nonstatutory provisions; Insurance.**

7 (1) DEFINITIONS. In this section, unless the context requires otherwise:

8 (a) "Covered employee" means a person who was previously covered under an  
9 employer's group policy.

10 (b) "Federal act" means the American Recovery and Reinvestment Act of 2009,  
11 P.L. 111-5.

12 (c) "Group policy" has the meaning given in section 632.897 (1) (c) 1., 2., and  
13 3. of the statutes.

14 (d) "Insurer" includes an insurer that issues a group policy that replaces or  
15 succeeds a group policy in effect on the date that a terminated insured is first entitled  
16 to elect continuation of coverage.

17 (e) "State eligible individual" means a covered employee, or the spouse or  
18 dependent of a covered employee, to whom all of the following apply:

19 1. The covered employee's employment is involuntarily terminated during the  
20 period that begins on September 1, 2008, and ends on December 31, 2009, and that  
21 involuntary termination is the qualifying event for continuation of coverage for the  
22 covered employee or the spouse or dependent of the covered employee.

23 2. The covered employee or spouse or dependent of the covered employee is not  
24 eligible for continuation of coverage under a federal continuation provision, as



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1 defined in section 632.745 (8) of the statutes, and becomes eligible for continuation  
2 of coverage under section 632.897 of the statutes during any of the following:

3 a. The period that begins on September 1, 2008, and ends before the effective  
4 date of this subdivision 2. a.

5 b. The period that begins on the effective date of this subdivision 2. b. and ends  
6 before January 1, 2010.

7 (f) "Terminated insured" has the meaning given in section 632.897 (1) (f) of the  
8 statutes.

9 (2) ADDITIONAL CONTINUATION COVERAGE ELECTION OPPORTUNITY FOR STATE  
10 ELIGIBLE INDIVIDUALS ELIGIBLE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

11 (a) Notwithstanding section 632.897 (2) (d) and (3) (a) of the statutes, an  
12 insurer shall permit a terminated insured, on behalf of a state eligible individual who  
13 became eligible during the period described under subsection (1) (e) 2. a. and who  
14 does not have continuation coverage on the effective date of this paragraph, to elect  
15 continuation of coverage during a 60-day period beginning on the date of the notice  
16 required to be provided under paragraph (b) or (c).

17 (b) An employer of a terminated insured who may elect continuation of  
18 coverage for a state eligible individual described in paragraph (a) shall provide notice  
19 to the terminated insured that he or she has the right to elect continuation of  
20 coverage for the state eligible individual, regardless of whether the employer has  
21 already provided notice to the individual under section 632.897 (2) (d) of the statutes,  
22 subject to paragraph (g) 1. The notice under this paragraph must satisfy all of the  
23 following requirements:

24 1. The notice must be provided no later than 10 days after the effective date of  
25 this subdivision.

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1           2. The notice must include information substantially in the form and be  
2 provided in the manner required for the notice required under section 3001 (a) (7)  
3 of the federal act.

4           3. The notice form must be modified appropriately to reflect that the right to  
5 elect continuation of coverage is governed by this subsection.

6           4. The notice must include a description of the individual's right to, and the  
7 effect of, electing continuation of coverage under this subsection and under section  
8 632.897 of the statutes.

9           (c) If an employer that is required to provide the notice under paragraph (b)  
10 fails to provide the notice required under paragraph (b), the insurer that would be  
11 responsible for providing continuation of coverage to the state eligible individual if  
12 the terminated insured were to elect continuation of coverage on behalf of the state  
13 eligible individual shall provide the notice specified in paragraph (b).

14           (d) The notice under paragraph (b) or (c) is not effective, and the 60-day period  
15 for electing continuation of coverage does not commence, unless the notice under  
16 paragraph (b) or (c) is provided and contains the information required under  
17 paragraph (b).

18           (e) For a state eligible individual who became eligible for continuation of  
19 coverage under section 632.897 of the statutes before February 17, 2009, and who did  
20 not have continuation of coverage on February 17, 2009, continuation of coverage  
21 that is elected under this subsection shall be effective as of the date of the first  
22 coverage period after February 17, 2009, and is not required to extend beyond the  
23 period of coverage that would have been required under section 632.897 of the  
24 statutes had the individual elected continuation of coverage when originally eligible  
25 instead of under this subsection.

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1           (f) For a state eligible individual who became eligible for continuation of  
2           coverage under section 632.897 of the statutes on or after February 17, 2009, but  
3           before the effective date of this paragraph, continuation of coverage that is elected  
4           under this subsection shall commence on the date the state eligible individual was  
5           originally eligible and coverage is not required to extend beyond the period of  
6           coverage that would have been required under section 632.897 of the statutes had  
7           the individual elected continuation of coverage when originally eligible instead of  
8           under this subsection.

9           (g) 1. Paragraphs (a) and (b) do not apply to a state eligible individual if the  
10          employer or insurer provided a notice under section 632.897 (2) (d) of the statutes  
11          that included the information required under paragraph (b).

12          2. If an employer or insurer provided notice that complies with paragraph (b)  
13          before the effective date of this subdivision, the notice is effective for the purpose of  
14          this section and the 60-day period under paragraph (a) begins on the date the notice  
15          was provided.

16          (h) An individual who elects continuation of coverage under this subsection  
17          shall have elected continuation of coverage for the purpose of section 149.10 (2t) (e)  
18          of the statutes, as affected by this act.

19          (i) For an individual who elects continuation of coverage under this subsection,  
20          the period, if any, from the date of the termination of the individual's coverage as a  
21          result of the qualifying event under section 632.897 (2) (b) of the statutes to the  
22          commencement of continuation of coverage under this subsection shall be  
23          disregarded for the purpose of determining the 63-day period under section 632.746  
24          (3) (b) of the statutes, as affected by this act.

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1           (3) NOTICE FOR STATE ELIGIBLE INDIVIDUALS ELIGIBLE BEGINNING ON THE EFFECTIVE  
2     DATE OF THIS SUBSECTION. An employer of a terminated insured who may elect  
3     continuation of coverage for a state eligible individual who becomes eligible for  
4     continuation of coverage under section 632.897 of the statutes during the period  
5     under subsection (1) (e) 2. b. shall provide notice under section 632.897 (2) (d) of the  
6     statutes, except that the notice must include information substantially in the form  
7     and be provided in the manner required for the notice under section 3001 (a) (7) of  
8     the federal act.

9           (4) CONTINUATION COVERAGE RULES.

10          (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2),  
11     and (3), the commissioner of insurance may promulgate rules establishing standards  
12     requiring insurers to provide continuation of coverage for any individual covered at  
13     any time under a group policy who is a state eligible individual to whom subsection  
14     (2) or (3) applies or an assistance eligible individual, as defined under section 3001  
15     (a) (3) of the federal act, including rules governing election or extension of election  
16     periods, notice, rates, premiums, premium payment, application of preexisting  
17     condition exclusions, and election of alternative coverage.

18          (b) The commissioner may promulgate the rules under paragraph (a) as  
19     emergency rules under section 227.24 of the statutes. Notwithstanding section  
20     227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph  
21     may remain in effect for one year and may be extended under section 227.24 (2) of  
22     the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the  
23     commissioner is not required to provide evidence that promulgating a rule under this  
24     paragraph as an emergency rule is necessary for the preservation of public peace,

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1 health, safety, or welfare and is not required to provide a finding of emergency for a  
2 rule promulgated under this paragraph.

3 **SECTION 9137. Nonstatutory provisions; Natural Resources.**

4 (1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND  
5 PROJECTS.

6 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant for  
7 clean water state revolving loan funds under the federal Water Pollution Control Act,  
8 the department of natural resources and the department of administration may, as  
9 provided in this subsection, allocate the funds, before July 1, 2011, for financial  
10 assistance to municipalities under section 281.58 of the statutes for projects eligible  
11 to receive financial assistance under that section.

12 (b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes,  
13 applications may be approved and funds may be allocated and expended for projects  
14 under this subsection before the 2009-11 biennial budget act is enacted. The amount  
15 of present value of the subsidy for financial assistance provided under this  
16 subsection equals \$105,948,300. This is in addition to any amounts specified under  
17 section 281.59 (3e) (b) of the statutes. The department of natural resources may  
18 establish a percentage limit on the amount of financial assistance available under  
19 this subsection that may be received by any eligible applicant.

20 (c) The department of natural resources and the department of administration  
21 may provide financial assistance under this subsection in the form of grants or loans.  
22 Eligibility for grants under this subsection is not limited to municipalities eligible  
23 under section 281.58 (13) of the statutes. The department of natural resources may  
24 waive the limit under section 281.58 (8) (g) of the statutes in providing financial  
25 assistance under this subsection to a municipality eligible for financial assistance

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1 under section 281.58 (13) of the statutes. Loans under this subsection may be  
2 provided at rates that differ from the rates under section 281.58 (12) of the statutes,  
3 including negative interest rates that result in total payments that are less than the  
4 principal amounts of the loans. A financial assistance agreement for a loan under  
5 this subsection may provide for forgiveness of a portion of the principal amount of  
6 the loan.

7 (d) The department of natural resources may establish a different deadline for  
8 submitting notice of intent to apply for financial assistance for the purposes of this  
9 subsection than the deadline in section 281.58 (8m) of the statutes. The department  
10 may also establish a deadline for submitting applications for financial assistance  
11 under this subsection.

12 (e) In determining which projects to provide financial assistance under this  
13 subsection, the department of natural resources may consider any of the following:

- 14 1. Readiness of a project to proceed to construction.  
15 2. The unemployment rate in the county in which a project is located.  
16 3. The extent to which a project promotes water efficiency or energy efficiency;  
17 is environmentally innovative; or uses natural systems or engineered systems that  
18 mimic natural processes, also called green infrastructure.

- 19 4. The geographic distribution of projects.

20 (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
21 natural resources and the department of administration are not required to  
22 promulgate rules for the purposes of this subsection.

23 (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
24 WATER PROJECTS.

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1           (a) If this state receives moneys under P.L. 111-5 as a capitalization grant  
2           under the federal Safe Drinking Water Act, the department of natural resources and  
3           the department of administration may, as provided in this subsection, obligate the  
4           funds before July 1, 2011, for financial assistance to local governmental units under  
5           section 281.61 of the statutes for projects eligible to receive financial assistance  
6           under that section.

7           (b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (c) of the statutes,  
8           applications may be approved and funds may be allocated and expended for projects  
9           under this subsection before the 2009-11 biennial budget act is enacted. The amount  
10          of present value of the subsidy for financial assistance provided under this  
11          subsection equals \$37,750,000. This is in addition to any amounts specified under  
12          section 281.59 (3s) (b) of the statutes. The department of natural resources may  
13          establish a percentage limit on the amount of financial assistance available under  
14          this subsection that may be received by any eligible applicant.

15          (c) The department of natural resources and the department of administration  
16          may provide financial assistance under this subsection in the form of grants or loans,  
17          notwithstanding section 281.61 (2r) of the statutes. Loans under this subsection may  
18          be provided at rates that differ from the rates under section 281.61 (11) of the  
19          statutes, including negative interest rates that result in total payments that are less  
20          than the principal amounts of the loans. A financial assistance agreement for a loan  
21          under this subsection may provide for forgiveness of a portion of the principal  
22          amount of the loan.

23          (d) The department of natural resources may establish a different deadline for  
24          submitting notice of intent to apply for financial assistance for the purposes of this  
25          subsection than the deadline in section 281.61 (3) of the statutes. If the department

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1 of natural resources has not received sufficient applications by the deadline under  
2 section 281.61 (5) of the statutes to use all of the funds described in paragraph (a),  
3 it may waive the deadline.

4 (e) In determining which projects to provide financial assistance under this  
5 subsection, the department of natural resources may consider any of the following:

- 6 1. Readiness of a project to proceed to construction.
- 7 2. The unemployment rate in the county in which a project is located.
- 8 3. The extent to which a project promotes water efficiency or energy efficiency;  
9 is environmentally innovative; or uses natural systems or engineered systems that  
10 mimic natural processes, also called green infrastructure.
- 11 4. The geographic distribution of projects.

12 (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
13 natural resources and the department of administration are not required to  
14 promulgate rules for the purposes of this subsection.

**SECTION 9356. Initial applicability; Workforce Development.**

16 (1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h),  
17 (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7)  
18 (a) of the statutes first applies with respect to terminations of employment occurring  
19 on the effective date of this subsection.

20 (2) BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6)  
21 (intro.), and (7) of the statutes first applies with respect to weeks of unemployment  
22 beginning on the effective date of this subsection.

**SECTION 9400. Effective dates; general.**

24 (1) Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act  
25 takes effect on the day after publication.



**BILL****SECTION 9408. Effective dates; Children and Families.**

(1) ELIGIBILITY FOR COMMUNITY ACTION AGENCY PROGRAMMING. The repeal and recreation of section 49.265 (1) (b) of the statutes takes effect on July 1, 2010.

**SECTION 9456. Effective dates; Workforce Development.**

(1) UNEMPLOYMENT INSURANCE TRAINING BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes and SECTION 9356 (2) of this act take effect on the first Sunday following the 90th day after publication.

(2) UNEMPLOYMENT INSURANCE. The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e), and 108.141 (1) (a), (b) 2. and 2m., (dm), (e), and (f), (5), and (7) (a) of the statutes and SECTION 9356 (1) of this act take effect on the first Sunday after publication.

(END)